

SENATE BILL 1383

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-2-301(b)(1), is amended by deleting subdivision (DD).

SECTION 2. Tennessee Code Annotated, Section 49-2-301(b)(1)(EE), is amended by deleting subdivisions (i)-(iii) and substituting:

(i) The director may dismiss any person employed in a position for which no teaching license is required and any nontenured, licensed employee under the director's jurisdiction for incompetence, inefficiency, insubordination, improper conduct, or neglect of duty after giving the employee, in writing, due notice of the charge or charges and providing a hearing. The director shall not dismiss any person employed in a position for which no teaching license is required or any nontenured, licensed employee under the director's jurisdiction without first giving the person:

(a) Written notice of the charge or charges;

(b) An opportunity for a full and complete hearing before an impartial hearing officer selected by the board;

(c) An opportunity to be represented by counsel;

(d) An opportunity to call and subpoena witnesses;

(e) An opportunity to examine all witnesses; and

(f) The right to require that all testimony be given under oath;

(ii) Factual findings and decisions in all dismissal cases must be reduced to written form and delivered to the affected employee within ten (10) working days following the close of the hearing;

(iii) Any person employed in a position for which no teaching license is required and any nontenured, licensed employee desiring to appeal from a decision rendered in favor of the LEA must first exhaust the administrative remedy of appealing the decision to the LEA's board of education within ten (10) working days of the hearing officer rendering written findings of fact and conclusions to the affected employee;

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it, and applies to dismissals occurring on or after that date.